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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,450	01/16/2004	Edward B. Kollin	LUB-100-A	7725

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EXAMINER

FISCHER, JUSTIN R

ART UNIT PAPER NUMBER

1733

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/759,450

Applicant(s)

KOLLIN, EDWARD B.

Examiner

Justin R Fischer

Art Unit

1733

*[Handwritten signature]*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8, and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Patitsas (US 4,607,675). Patitsas discloses a lubricant that is usable at the interface between a tire's inner surface and a runflat device disposed therein comprising a carrier fluid (i.e. polypropylene ether glycol), a thickener (amorphous silica- also known as fumed silica), and a surfactant (Column 2, Lines 4-27).

Regarding claims 4 and 15, the carrier is included in an amount between 40 and 100 parts in relation to the entire lubricant composition- this is seen to constitute an amount between 10 and 95 percent, by weight, of the total weight of the lubricant.

With respect to claim 8, Patitsas suggests a lower value of "about 10 parts" for the thickener (amorphous silica or fumed silica).

3. Claims 1-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Comper (GB 2,088,898). Comper teaches a lubricant composition usable within a tire cavity comprising a carrier fluid (i.e. polyalkylene glycol), a thickener (betonite clay), and a surfactant (Page 1, Lines 9-110). It is noted that

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the claims as currently drafted are directed to a lubricant composition having an intended use in a tire- it is evident that the lubricant of Comper, which is used as the interface between a tire's inner surface and a bladder, is capable of being used at a tire's inner surface in a runflat tire construction.

Regarding claim 4, Comper suggests a polyalkylene glycol content between 12 and 36 parts by weight, which is fully contained within the broad range of the claimed invention.

As to claim 8, Comper suggests a lower value of "about 10 parts" for the thickener.

With respect to claim 11, Comper suggests a thickener content between 10 and 40 parts, which is fully encompassed by the broad range of the claimed invention.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art (Page 1, Paragraph 4) and further in view of Comper. As set forth in paragraph 4, the APA generally describes the known use of a lubricant between a tire inner surface and a runflat device disposed therein in order to prevent heat buildup. In this instance, though, the

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APA fails to detail the specific lubricants used in these environments. Comper, on the other hand, discloses a lubricant composition between a tire inner surface and a bladder comprising a carrier fluid (i.e. polyalkylene glycol), a thickener (betonite clay), and a surfactant (Page 1, Lines 9-110). One of ordinary skill in the art at the time of the invention would have found it obvious to use the lubricant of Comper in the runflat tire described by the APA since it represents a lubricant use in the tire industry that provides sufficient lubricity between a tire inner surface and a device or object disposed therein, there being a reasonable expectation of success.

6. Claims 9, 10, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the APA and Comper as applied in the rejection of claims 1, 12, and 13 above and further in view of Lentsch (US 6,664,219). As noted above, the APA in view of Comper teaches a runflat tire construction in which the claimed lubricant is arranged between the tire's inner surface and a runflat device disposed therein. In describing the surfactant, Comper only suggests that such a component is used- the reference fails to expressly suggest a list of suitable surfactants. One of ordinary skill in the art at the time of the invention would have found it obvious to use a silicone surfactant, more preferably an alkoxylated silicone surfactant, since these surfactants represent well known surfactants that are extensively used in a wide variety of industries, as shown for example by Lentsch (Column 6, Lines 20-40). Absent any conclusive showing of unexpected results, it would have been within the purview of one of ordinary skill in the art at the time of the invention to appropriately select the specific type of surfactant

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from the large number of well known surfactants. It is additionally noted that non-ionic surfactants are commonly employed in tire lubricants (alkoxylated silicone is a non-ionic surfactant).

7. Claims 9, 10, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patitsas as applied in the rejection of claims 1 and 13 above and further in view of Lentsch (US 6,664,219). As noted above, Patitsas discloses a lubricant that is usable at the interface between a tire's inner surface and a runflat device disposed therein comprising a carrier fluid (i.e. polypropylene ether glycol), a thickener (amorphous silica- also known as fumed silica), and a surfactant (Column 2, Lines 4-27). In describing the surfactant, Patitsas describes a non-ionic surfactant such as alkylaryl polyether; however, it is clear that this is only exemplary and additional surfactants would have been well within the purview of one of ordinary skill in the art at the time of the invention. One of ordinary skill in the art at the time of the invention would have found it obvious to use a silicone surfactant, more preferably an alkoxylated silicone surfactant, since these surfactants represent well known surfactants that are extensively used in a wide variety of industries, as shown for example by Lentsch (Column 6, Lines 20-40). Absent any conclusive showing of unexpected results, it would have been within the purview of one of ordinary skill in the art at the time of the invention to appropriately select the specific type of surfactant from the large number of well known surfactants. It is additionally noted that non-ionic surfactants are commonly employed in tire lubricants (alkoxylated silicone is a non-ionic surfactant).

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin Fischer

August 5, 2004



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